

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

**FILED
SCRANTON**

APR 23 2012

SHAWN DELONTE GRANT,

Petitioner

v.

BRIAN A. BLEDSOE, Warden,

Respondent. :

PER

DEPUTY CLERK

CIVIL ACTION NO. 3:10-CV-2566

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, this 23rd day of April, 2012, IT APPEARING TO THE COURT
THAT:

(1) Petitioner, Shawn Delonte Grant, a prisoner confined at the United States Penitentiary at Lewisburg, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on December 17, 2010;

(2) In his petition, petitioner alleges that his Due Process rights were violated during a prison disciplinary action;

(3) The action was assigned to Magistrate Judge Malachy E. Mannion for Report and Recommendation;

(4) On March 28, 2012, the Magistrate Judge issued a Report and Recommendation wherein he recommended that the petition for writ of habeas corpus be dismissed;

(5) Specifically, the Magistrate Judge found that the petitioner failed to exhaust his administrative remedies;

(6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

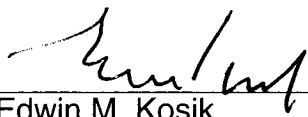
AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation. We agree with the Magistrate Judge that the petitioner has failed to exhaust his administrative remedies.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion filed on March 28, 2012 (Doc. 12) is **ADOPTED**;
- (2) The petitioner's petition for writ of habeas corpus is **DISMISSED**;
- (3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge; and,
- (4) Based on the court's conclusions herein, there is no basis for the issuance of a certificate of appealability.


Edwin M. Kosik
United States District Judge